

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

REQUEST FOR FILING CONTINUATION/DIVISIONAL  
APPLICATION UNDER 37 C.F.R. § 1.53(b)

Box PATENT APPLICATION

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

This is a request for filing a ☒ continuation ☐ divisional application under 37 C.F.R. § 1.53(b) of pending Application No. 08/809,110 filed on March 31, 1997, for NOVEL IMPLANT AND NOVEL VECTOR FOR THE TREATMENT OF ACQUIRED DISEASES, by the following named inventor(s):

(a) Full Name Pierre LEROY

(b) Full Name \_\_\_\_\_

(c) Full Name \_\_\_\_\_

☐ Applicant(s) hereby requests that the above-captioned application **NOT BE PUBLISHED** under 35 U.S.C. § 122(b) and 37 C.F.R. § 1.211. The undersigned hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing.

☒ The entire disclosure of the prior application from which a copy of the oath or declaration is supplied herewith is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

☐ This application is being filed by less than all the inventors named in the prior application. In accordance with 37 C.F.R. 1.63(d)(2), the Commissioner is requested to delete the name(s) of the following person or persons who are not inventors of the invention being claimed in this application.

(a) Full Name \_\_\_\_\_

(b) Full Name \_\_\_\_\_

(c) Full Name \_\_\_\_\_

☐ This application is being filed by more than all the inventors named in the prior application. In accordance with 37 C.F.R. 1.63(d)(5), a new oath or declaration is enclosed, and the Commissioner is requested to add the name(s) of the following person or persons who are inventors of the invention being claimed in this application.

(a) Full Name \_\_\_\_\_

(b) Full Name \_\_\_\_\_

(c) Full Name \_\_\_\_\_



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- ☐ Applicant(s) suggests Figure \_ for inclusion on the front page of the patent application publication and/or patent.
1. ☒ Enclosed is a copy of the prior Application No. 08/809,110 as originally filed on March 31, 1997, including copies of the specification, claims, drawings and the executed oath or declaration as filed.
2. ☐ Enclosed is a revised prior application and a copy of the prior executed oath or declaration as filed. No new matter has been added to the revised application.
3. ☐ Small entity status is hereby claimed.
4. ☒ The filing fee is calculated below ☒ and in accordance with the enclosed preliminary amendment:

CLAIMS					
	NO. OF CLAIMS		EXTRA CLAIMS	RATE	FEE
Basic Application Fee					\$710.00 (101)
Total Claims	12	MINUS 20 =	0	× \$18.00 (103) =	0.00
Independent Claims	1	MINUS 3 =	0	× \$80.00 (102) =	0.00
If multiple dependent claims are presented, add \$270.00 (104)					
Total Application Fee					710.00
If small entity status is claimed, subtract 50% of Total Application Fee					
Add Assignment Recording Fee of \$_ if Assignment document is enclosed					
TOTAL APPLICATION FEE DUE					710.00

5. ☐ Charge \$ \_\_\_\_\_ to Deposit Account No. 02-4800 for the fee due.
6. ☒ A check in the amount of \$ 710.00 is enclosed for the fee due.
7. ☒ The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.
8. ☐ Cancel in this application original claims \_ of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)



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9. ☐ New drawings are enclosed.
10. ☒ Priority of Application No. 94 10911 filed on September 13, 1994 in France (country) is claimed under 35 U.S.C. § 119.
- ☒ The certified copy of the foreign priority application
- ☐ is enclosed.
- ☒ was filed in the International Receiving Office in prior International Application No. PCT/FR95/01171, filed on September 13, 1995, and acknowledged by the Examiner on July 6, 1999 in paper No. 9.
- ☐ has not yet been filed.
11. ☒ Please amend the specification by inserting before the first line the sentence:
- ☐ --This application is a ☐ continuation ☐ divisional of Application No. \_\_, filed on \_\_--.
- ☒ --This application is a ☒ continuation ☐ divisional of U.S. Application No. 08/809,110, filed on March 31, 1997, which was a national stage filing under 35 U.S.C. § 371 of International Application No. PCT/FR95/01171 filed on September 13, 1995, which International Application ☐ was ☒ was not published by the International Bureau in English on March 21, 1996.--.
- ☐ --This application is a ☐ continuation ☐ divisional of U.S. Application No. \_\_, filed on \_\_, which was a continuation of International Application No. \_\_, filed on \_\_, which International Application ☐ was ☐ was not published by the International Bureau in English on \_\_--.
12. ☒ A preliminary amendment is enclosed.
13. ☒ An Information Disclosure Statement is enclosed.
14. ☐ A General Authorization for Payment of Fees and Petitions for Extensions of Time is enclosed.
15. ☒ Also enclosed: A Request under 37 C.F.R. § 1.821(e) to use the Computer Readable copy of the Sequence listing of the parent application U.S. Application No. 08/809,110; A Declaration pursuant to 37 C.F.R. §§ 1.821-.825; and a paper copy of the Sequence Listing.
16. ☒ The power of attorney in the prior application is to Norman H. Stepno, Registration No. 22,716 and all partners of Burns, Doane, Swecker & Mathis, L.L.P.
- a. ☒ The power appears in the original papers in the prior application.
- b. ☒ A copy of the power in the prior application is enclosed.



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Attorney's Docket No. 032751-066  
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- c. ☐ Recognize as Associate Attorney \_\_\_\_  
d. ☒ Address all future communications to: (May only be completed by  
applicant, or attorney or agent of record.)

Norman H. Stepno  
BURNS, DOANE, SWECKER & MATHIS, L.L.P.  
P.O. Box 1404  
Alexandria, Virginia 22313-1404

Date: August 13, 2001

By:

  
Norman H. Stepno  
Registration No. 22,716

ADDRESS OF SIGNATOR:

BURNS, DOANE, SWECKER & MATHIS, L.L.P.  
P.O. Box 1404  
Alexandria, Virginia 22313-1404  
(703) 836-6620

- ☐ inventor(s)  
☐ assignee of complete interest  
☒ attorney or agent of record  
☐ filed under 37 C.F.R. § 1.34(a)



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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Continuation Patent Application of	)	
	)	
Pierre LEROY	)	Group Art Unit: unassigned
	)	
Application No.: Continuation of Application	)	Examiner: unassigned
Serial No. 08/809,110	)	
	)	
Filed: August 13, 2001	)	
	)	
For: NOVEL IMPLANT AND NOVEL	)	
VECTOR FOR THE TREATMENT	)	
OF ACQUIRED DISEASES	)	

**REQUEST TO USE COMPUTER READABLE FORM FROM  
PARENT APPLICATION PURSUANT TO 37 C.F.R. § 1.821(e)**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

The computer readable form in the above-identified application is identical with the third substitute computer-readable form filed on December 6, 1999 in parent application Serial No. 08/809,110. In accordance with 37 C.F.R. § 1.821(e), applicants respectfully request that the computer-readable form filed in parent application Serial No. 08/809,110 be used as the computer readable form for the instant application. It is understood that the United States Patent and Trademark Office will make the necessary changes in application number and filing date for the computer readable form that will be used for the instant application. A replacement paper copy of the Sequence Listing filed on December 6, 1999 in

Continuation of Application Serial No. 08/809,110

Attorney's Docket No. 032751-066

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parent application Serial No. 08/809,110 is included in the Preliminary Amendment filed concurrently herewith for incorporation into the specification.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By: \_\_\_\_\_

Teresa Stanek Rea

Registration No. 30,427

P.O. Box 1404  
Alexandria, Virginia 22313-1404  
(703) 836-6620

Date: August 13, 2001

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Continuation Patent Application of )  
 )  
Pierre LEROY ) Group Art Unit: unassigned  
 )  
Application No.: Continuation of Application ) Examiner: unassigned  
Serial No. 08/809,110 )  
 )  
Filed: August 13, 2001 )  
 )  
For: NOVEL IMPLANT AND NOVEL )  
VECTOR FOR THE TREATMENT )  
OF ACQUIRED DISEASES )

**DECLARATION PURSUANT TO 37 C.F.R. §§ 1.821-1.825**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

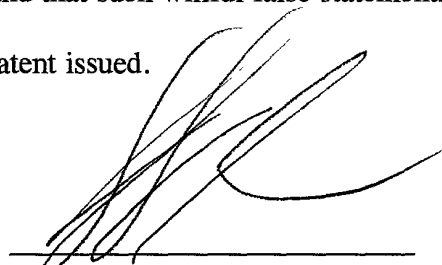
I, Teresa Stanek Rea, declare as follows:

1. That, in compliance with 37 C.F.R. § 1.821(f), the content of the paper copy of the Sequence Listing included in the concurrently filed Preliminary Amendment, for incorporation into the specification, and the content of the computer readable copy of the Sequence Listing filed on December 6, 1999 in parent application Serial No.: 08/809,110 are the same.
2. That the submission, filed in accordance with 37 C.F.R. § 1.821(g)[or (h)], does not include new matter or go beyond the disclosure in the international application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements were made on information and belief and are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued.

August 13, 2001

Date

  
\_\_\_\_\_  
Teresa Stanek Rea